

EU DSO Entity Code of Conduct

Version 23 June 2026

Context

- I. The EU DSO Entity, as foreseen by Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (“**Regulation (EU) 2019/943**”) and Regulation (EU) 2024/1789 of the European Parliament and of the Council of 13 June 2024 on the internal markets for renewable gas, natural gas and hydrogen (“**Regulation (EU) 2024/1789**”), together herein referred to as the “**Regulations**”, is the Brussels-based expert Entity of the electricity, gas, and hydrogen Distribution System Operators, (“**DSOs**”) in the European Union. Through the EU DSO Entity, the DSOs cooperate, on a non-profit-making basis, at the European level.
- II. Further to the Regulations, the EU DSO Entity commits itself to promoting the completion and functioning of the internal energy market in electricity natural gas, and hydrogen, as well as the optimal management and a coordinated operation of distribution and transmission systems. The EU DSO Entity actively participates in the European rulemaking process, in compliance with EU legislation (in particular network codes) and in collaboration with ENTSO-E and ENTSO-G.
- III. The work of the EU DSO Entity is legitimized and bound by the mandate established under the Regulations. The Council of the European Union, the European Parliament, and the European Commission have assigned these competencies to the EU DSO Entity because DSOs are neutral market facilitators, thoroughly regulated and concurring in their pursuit of the interests of society at large.
- IV. DSOs shall be neutral operators in the energy markets and their responsibility and expertise are crucial for most energy policy goals, as future energy production and consumption will most certainly rely on well-balanced and functioning distribution systems.
- V. As the legally mandated expert entity of electricity, gas, and hydrogen DSOs in the European Union and in view of the important neutral role of such DSOs, the EU DSO Entity provides adequate non-commercially sensitive information and data about the European power system through publications and information systems aimed at relevant stakeholders.
- VI. In addition to information and data, and similarly based on its legally mandated tasks, the EU DSO Entity also provides important non-commercially sensitive analyses and proposals that build on the DSOs’ experience in operating and developing the European distribution systems, as well as in building up efficient electricity, gas, and hydrogen systems.
- VII. The present Code of Conduct describes the core values of the EU DSO Entity and the ethical principles and standards that apply to its Members, Observers and Secretariat. Meeting these principles and standards, which are equally important and support one another, is the first responsibility of the EU DSO Entity.

- VIII. As it is of the utmost importance for the Members of the EU DSO Entity to have a working environment where all participants act in accordance with the same principles of conduct, the current Code of Conduct shall apply to all Members, Observers and Secretariat upon their admission to the EU DSO Entity. Pursuant to the EU DSO Entity's Statutes and Rules of Procedure, "Member" hereby refers to both "Full Member", "Associate Member" and "Third Country Partner".

Principles of Conduct

- I. Pursuant to Article 52.2 of Regulation (EU) 2019/943 and Article 41.1 of Regulation (EU) 2024/1789, the EU DSO Entity shall carry out its tasks and procedures in accordance with Article 55 of Regulation (EU) 2019/943.
- II. As an expert entity working for the common Union interest, the EU DSO Entity shall neither represent particular interests nor seek to influence the EU or national decision-making process to promote specific interests and shall refrain from all institutional lobbying activities.
- III. Regulation of DSOs is designed to align their interests with the need for a constant development of advanced technical solutions to improve the European electricity, gas, and hydrogen distribution grids. Therefore, in shaping analyses, providing advice, making proposals and discharging its formal responsibilities, the EU DSO Entity is committed to always focus on and take into account the public interest and to regularly consult all relevant stakeholders.
- IV. The EU DSO Entity aims to explain its work products in a manner that is easy to understand and to continuously improve the quality of its output, whereby it will also use feedback from stakeholder consultations as an important contribution.
- V. The EU DSO Entity applies a transparent decision-making process and is committed to ensuring that any actions, procedures and rules that it adopts shall:
 - a. safeguard specific legislative, competition and regulatory rules that EU DSO Entity Members are subject to;
 - b. safeguard fair and proportionate treatment of all EU DSO Entity Members; and
 - c. reflect the diverse dimension and geographical, and economic structure of the EU DSO Entity Membership.

Core Procedures

- I. The EU DSO Entity deems it important to carry out all of its activities in accordance with the applicable law and with competition law in particular. The present Code of Conduct confirms this commitment and shall be binding on all Members and other participants in the activities of the EU DSO Entity.
- II. The EU DSO Entity operates in compliance with competition law, ensures neutrality, and strongly condemns any kind of competition law violation. At the EU-level, the Treaty on the Functioning of the European Union ("**TFEU**") hereby contains two principal provisions that constrain the activities of expert entities and their members to the extent that they entail collusion between companies or excessive use of

market power. In particular, Article 101 TFEU prohibits “all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the internal market.” In addition, Article 102 TFEU states that “any abuse by one or more undertakings of a dominant position within the internal market or in a substantial part of it shall be prohibited as incompatible with the internal market in so far as it may affect trade between Member States”. Furthermore, these provisions are complemented by legal texts of the Council of the European Union or the European Commission that specify how the basic principles apply to particular sectors, types of agreements or company behaviors.

- III. In accordance with these basic principles, the following core procedures apply to the functioning of the EU DSO Entity:
- a. **Membership** – Membership criteria follow the rules laid down in the EU DSO Entity’s Statutes and in the Regulations. Under the conditions mentioned there, each DSO who wishes to participate in the EU DSO Entity has a right to Membership.
 - b. **Conduct at meetings** – Each meeting of an EU DSO Entity body, committee, expert group or other form of cooperation shall be attended by at least one staff member of the EU DSO Entity. It is recommended to review the agenda and purpose of meetings in advance for possible problems under the competition laws and seek advice from the legal department of the Association if necessary. Members shall be careful that discussions at meetings stick to the agenda items and object if they do not. Together with the person chairing the specific meeting, the attending staff member shall monitor commercially sensitive topics to ensure that no discussions take place, agreements are concluded, or decisions or statements are made on e.g. issues related to antitrust law, discrimination or unbundling that are inadmissible under competition law. If there are doubts about such sensitivities, the topic shall not be discussed and the meeting shall immediately be halted until the advice of a competition law expert is obtained or until any limits that must be observed during the discussion have been clarified. Where commercially sensitive topics are to be discussed, the presence of a competition law expert is indicated. The attendance at meetings of Members or externals who are not reasonably required for the stated purpose of the meeting is to be verified and avoided. Members shall ensure that they make or promptly receive detailed, accurate minutes of meetings and immediately voice any objections. Last, EU DSO Entity Members should always keep in mind that a failure to take the above actions promptly will make it difficult to later convince a court or regulator of their opposition to an infringement. Conduct at social events that take place in conjunction with meetings of the EU DSO Entity shall follow the same standards as the regular meetings.
 - c. **Information exchange** – In accordance with Article 37 of Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and Article 47 of Directive (EU) 2024/1788 of the European Parliament and of the Council of 13 June 2024 on common rules for the internal markets for renewable gas, natural gas and hydrogen, and without prejudice to any legal disclosure requirements, commercially sensitive information that Members obtained in the course of carrying out their business shall not be exchanged within the EU DSO Entity. Participants in EU DSO Entity meetings or discussions should always be informed of their confidentiality obligation.

- d. **Commercially sensitive information** – All exchanges of confidential, strategic information concerning market behaviour are inadmissible and in particular as they relate to pricing or matters affecting prices, costs, sales, production, distribution and marketing terms and strategies, customer and supplier relations, and salaries and wages. General discussions about price calculations and price components are only permitted as long as they do not affect competition between the companies. The condition that no competition concerns may be raised applies in particular to the determination, in advance of decisions or stipulations by the competent regulatory authorities, of an EU DSO Entity position on certain calculation methods in the regulated area.
- e. **Coordinated behaviour** – Coordination between EU DSO Entity Members of offers to third parties or sources of supply in terms of space and personnel, as well as the establishment of an express or tacit agreement between Members on boycotts, delivery blocks and procurement blocks against certain companies, is prohibited.

IV. **Data collection**

The collection and exchange of market information and other statistics that relate to the commercially sensitive competition between Members are solely permitted on the condition that they are officially conducted via either the EU DSO Entity or another neutral institution that only publishes anonymized and non-identifiable aggregate data. The Secretariat of the EU DSO Entity is allowed, in principle, to collect information about individual DSOs and to make this information available to its Members in an aggregated manner. It must in any event be absolutely guaranteed that no commercially sensitive information can be deduced from the aggregated data. In some EU Member States, the national competition authorities will only allow such statistical systems if the collected information can be qualified as sufficiently historical and/or if the information is made publicly available.

- V. The EU DSO Entity has a high interest in enhancing the protection of the environment.
- VI. The EU DSO Entity is committed to protecting the confidential information of its Members in accordance with Article 29 of the Statutes of the EU DSO Entity and Article 12 of the Rules of Procedure and only uses such information for internal purposes.
- VII. The EU DSO Entity respects the privacy and confidentiality of the personal data of its Members in accordance with the law and applicable procedures and policies set by the EU DSO Entity and shall not use such information for purposes other than those for which this information was obtained.
- VIII. The EU DSO Entity respects the intellectual property of both its Members and third parties.